

Sheehan & Associates, P.C.

505 Northern Boulevard, Suite 311, Great Neck, NY 11021
tel. 516.303.0552
fax 516.234.7800
spencer@spencersheehan.com

January 26, 2019

District Judge Joseph Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Brown v. Miyoko's Kitchen, Inc.
2:18-cv-06079-JFB-SIL

Dear District Judge Bianco:

This office represents the plaintiff in the above action and makes the present request for an extension of 30 days until Thursday, February 28, 2019, to prove service pursuant to Fed. R. Civ. P. 4(l) and your Honor's Individual Rules, I(D).

The original date by which service is required to be proved to the Court is Tuesday, January 29, 2019. Fed. R. Civ. P. 4(m), 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends). No previous requests for adjournment or extension have been sought. Since there have been no previous requests, whether any such requests were granted or denied is not applicable. Defendant has not consented to this request because they have not responded to plaintiff's request to execute a waiver. The adjournment or extension does not affect any other scheduled dates.

On January 2, 2019, plaintiff mailed "a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form" to defendant's registered agent in its state of incorporation, Paracorp Incorporated, in Delaware. I also informally contacted defendant through their general email address about two weeks ago. As of this filing, neither defendant nor any representative thereof has contacted this office.

On January 22, 2019, service was made by delivering a copy of the papers to the registered agent in Delaware, and the person who accepted the papers was authorized to accept service. Fed. R. Civ. P. 4(h). However, plaintiff requests 30 days to file an executed waiver so that defendant may obtain the additional time to move or answer in response to the complaint. Fed. R. Civ. P. 4(d)(4) ("Results of Filing a Waiver"). This will make it less likely defendant will seek an extension of time from the Court to move or answer and conserve judicial resources. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on January 26, 2019, I served the foregoing by electronically filing and/or mailing (first-class mail) same, to the persons or entities indicated below, at their last known address of record (blank where not applicable).

☐ CM/ECF

☐ First-Class Mail

/s/ Spencer Sheehan
Spencer Sheehan